

Remarks:

These remarks are responsive to the Office action dated September 28, 2009. Prior to entry of this response, claims 17-49 were pending in the application. By way of this response, claims 17, 19-22, 24-30, 32-35, 37-40, 42, 43, 45, 46, 48, and 49 are amended. Applicants respectfully request reconsideration of the application and allowance of the pending claims.

Rejections under 35 U.S.C. § 102

Claim 49 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0153816 (Banicevic et al., hereinafter Banicevic).

Claim 49 has been amended to recite:

A refrigerator and/or freezer comprising:

at least one pull-out tray or pull-out drawer...mounted on a pull-out rail...wherein the pull-out rail is mounted on an inner lining of the refrigerator and/or freezer by means of a receiving contour formed in the inner lining of the refrigerator and/or freezer, the receiving contour at least partly corresponding to an outer contour of the pull-out rail such that the receiving contour can positively and/or non-positively receive and retain the pull-out rail.

In contrast, Banicevic describes a refrigerator with a pull out drawer mounted by telescopic guide rails to a refrigerator cabinet. The telescopic guide rails are mounted by screws to a liner side wall (see paragraph [0029] and Fig. 6 of Banicevic). According to Banicevic, the liner side wall is flat, and does not have a receiving contour at least partly corresponding to the outer contour of the pull-out rails. As such, Banicevic does not, and cannot, describe pull-out rails mounted to an inner lining of a refrigerator by a receiving contour that can positively or non-positively retain said pull-out rails. In fact, if Banicevic did describe such a receiving contour formed in the inner lining of the refrigerator, there would be no need for Banicevic's configuration to include screws for attaching the guide rails to the liner of the refrigerator.

As such, Applicants request the rejection of claim 49 be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 17-21, 24, 33-35, 37-39 and 42-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Publication No. EP 1030144 (Gomoll et al., hereinafter Gomoll) in further view of U.S. Patent No. 4,558,503 (Wilson).

Claim 17 has been amended to recite:

A method...comprising...

fabricating the plastic inner lining of plastic material with a receiving contour...so that the element to be mounted can be received by the receiving contour without any accessories for mounting,
inserting the element to be mounted into the receiving contour, and
foaming a thermal foam...after the inserting.

Support for the amendment to claim 17 can be located at paragraph [0010] of the specification as filed.

In contrast, Gomoll describes an apparatus including both a mounting rivet 18 and a latch means 44 for mounting a retaining element 33 to an inner lining 13. Specifically, Gomoll describes a retaining element 33 which is itself mounted to a housing-like receptacle 17 by latch means 44. The housing receptacle 17 itself is mounted in a recess of the inner lining 13 by means of a mounting rivet 18. Thus, in order to mount retaining element 33 to the inner lining 13, both the mounting rivet 18 and latch means 44 are required. See Fig. 3 of Gomoll, reproduced with annotation below.

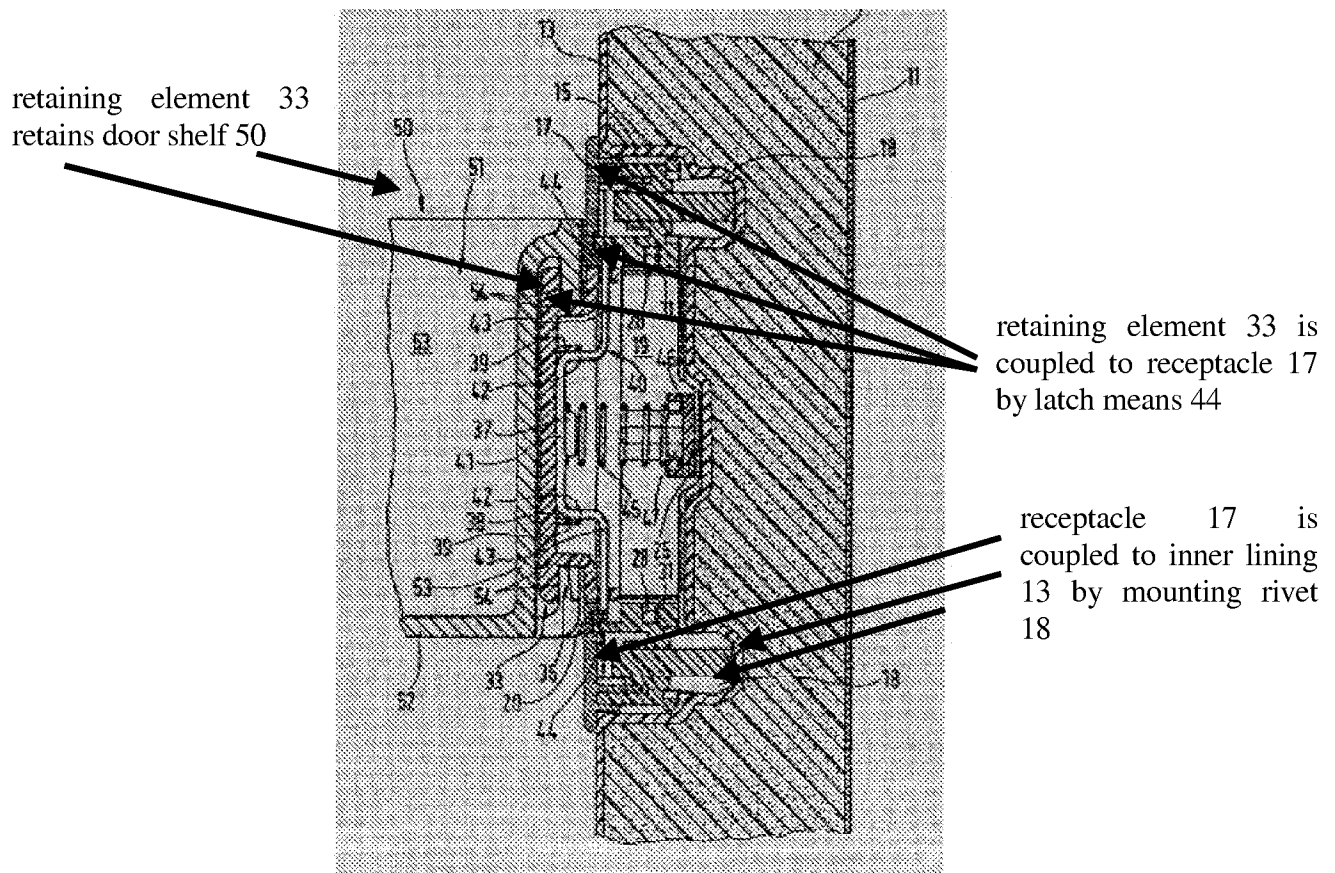


Fig. 3 of Gomoll

Gomoll's mounting configuration differs from the claimed configuration, in that the claimed configuration includes a receiving contour of the inner lining that matches an outer contour of the element to be mounted such that the element to be mounted can be supported and retained in the inner wall without any mounting accessories, such as screw connections or fastening means (see FIG. 1 of current application). With the claimed configuration, the usable space in the cooling chamber can be increased and in some examples, the element to be mounted may lie substantially flush in the inner wall, allowing for easier cleaning of the apparatus (see paragraph [0010] of the current application). Further, the claimed configuration avoids a need to pierce the inner wall by screws or other fastening means, thus protecting the quality of the thermal insulation. Further still, manufacturing effort and cost are also reduced with a configuration that lacks accessories for mounting.

For the sake of argument, Applicants submit it would not be obvious to modify Gomoll so that Gomoll's retaining element 33 or door shelf 50 could be received by the

inner lining 13 without mounting accessories because such a modification moves away from Gomoll's objective of placing retaining element 33 as far as possible from the heat insulating wall 12 (see paragraphs [0003]-[0004] of Gomoll). In other words, Gomoll teaches away from such a modification.

An additional limitation of amended claim 17 that is not disclosed or suggested by Gomoll or Wilson is foaming of a thermal foam insulation after inserting an element to be mounted into a receiving contour of an inner lining of a wall. According to the current application, by carrying out the insertion of the element to be mounted before carrying out the foaming, the element to be mounted can be easily inserted into the receiving contour due to the flexibility and little stability of the plastic material of the inner lining before the foaming (see paragraph [0007] of the current application).

Furthermore, where the receiving contour is configured with an undercut (e.g., claim 18), it is particularly advantageous to carry out the foaming process after insertion of the element to be mounted because the element to be mounted can then more easily be clipped into the thin-walled receiving contour of the plastic material. After clipping in the element to be mounted, the foaming process is performed, thereby supporting and strengthening the inner wall from an inside, so that a positive firm enclosure of the element to be mounted can be ensured (see paragraph [0012] of the current application).

Such an order of method steps is not disclosed in Gomoll or Wilson, nor would it be obvious to modify Gomoll to include foaming after insertion of the element to be mounted because none of the elements of Gomoll or Wilson require support by a receiving contour of an inner lining in order to be retained.

For the reasons laid out above, Applicants respectfully request the rejection of claim 17 and dependent claims 18-21 and 24 be withdrawn.

Turning now to claim 33, it has been amended to recite:

A method...comprising...

fabricating the plastic inner lining of plastic material with a receiving contour which is shaped such that it at least partly corresponds to an outer contour of an element to be mounted...

clipping the element to be mounted into the undercut receiving contour, and

foaming a thermal foam insulation...after the clipping.

Applicants submit claim 33 is allowable for at least some of the reasons discussed with respect to claim 17. Specifically, neither Gomoll nor Wilson describes foaming a thermal foam insulation after clipping in the element to be mounted, in contrast to amended claim 33. According to the current application, by carrying out the clipping of the element to be mounted into the undercut before the foaming, the element to be mounted can then more easily be clipped into the thin-walled receiving contour of the plastic material (see paragraph [0007] of the current application). After clipping in the element to be mounted, the foaming process is performed, thereby supporting and strengthening the inner wall from an inside, so that a positive firm enclosure of the element to be mounted can be ensured (see paragraph [0012] of the current application).

Such an order of method steps is not disclosed in Gomoll or Wilson, nor would it be obvious to modify Gomoll to include foaming after clipping the element to be mounted into the receiving contour because none of the elements of Gomoll or Wilson require support by a receiving contour of an inner lining in order to be retained.

For the reasons laid out above, Applicants respectfully request the rejection of claim 33 and dependent claims 34-35 and 37 be withdrawn.

Turning now to claim 38, it has been amended to recite:

A method...comprising...

inserting an element to be mounted into a manufacturing tool for manufacturing the plastic inner lining of plastic material,

fabricating the plastic inner lining by at least partly reproducing the element to be mounted for forming a receiving contour in the plastic inner lining...

foaming a thermal foam insulation...after the inserting.

Applicants submit claim 38 is allowable for at least some of the reasons discussed above with respect to claim 17. Namely, Wilson does not at all describe foaming a thermal foam insulation after inserting an element to be mounted into a manufacturing tool for manufacturing a plastic lining, in contrast to amended claim 38. According to the current application, by inserting the element to be mounted into the manufacturing tool, the outer contour of the element to be mounted can be reproduced in the plastic inner

lining during the manufacturing process and the foaming process strengthens and supports the inner lining so that the element to be mounted is fixed (see paragraph [0008] of the specification as filed).

Such an order of method steps is not disclosed in Gomoll or Wilson, nor would it be obvious to modify Gomoll to include foaming after insertion of the element to be mounted into a manufacturing tool because: (a) Gomoll and Wilson merely describe refrigerators and do not describe manufacturing tools, where there is an element to be mounted into the manufacturing tool; and (b) none of the elements of Gomoll or Wilson require support by a receiving contour of an inner lining in order to be retained.

For these reasons, Applicants request the rejection of claim 38 and dependent claims 39 and 42 be withdrawn.

With respect to claim 43, it has been amended to recite:

A mounting arrangement...comprising:

a receiving contour in the inner lining of the refrigerator and/or freezer, which at least partly corresponds to an outer contour of an element to be mounted, such that it can positively and/or non-positively receive the element to be mounted without any accessories for mounting.

Support for the amendment to claim 43 can be located at paragraph [0010] of the specification as filed.

Applicants submit claim 43 is allowable for at least some of the same reasons discussed above with respect to claim 17. Namely, Gomoll most definitely includes accessories for mounting the retaining element 33 of Gomoll to the inner lining 13 of Gomoll, in direct contrast to the claimed configuration. Specifically, Gomoll's receptacle 17 is mounted to inner lining 13 via mounting rivet 18, and retaining element 33 is mounted to receptacle 17 via latch means 44.

For the sake of argument, Applicants submit it would not be obvious to modify Gomoll so that Gomoll's retaining element 33 could be received by the inner wall without mounting accessories because such a modification actually moves away from Gomoll's objective of placing retaining element 33 as far as possible from the heat insulating wall 12

(see paragraphs [0003]-[0004] of Gomoll). Again, Gomoll teaches away from such a modification.

As such, Applicants respectfully request the rejection of claim 43 and dependent claims 44-48 be withdrawn.

Furthermore, with respect to claims 20, 34, 39, 47, and 48, the Office action asserts:

Regarding Claims 20, 34, 39, 47, and 48, GOMOLL et al. discloses that the said retaining element (33) (mounting element) supports shelves and receptacles ([0024]-[0025]) (which are pull-out rails).

Applicants disagree. In fact, Gomoll's door shelf 50 is coupled to stationary retaining element 33 by upper and lower lips of the retaining element 33. These upper and lower lips retain the door shelf 50 in such a way that the door shelf 50 could not be pulled out (see Fig. 3 of Gomoll). Thus, the retaining element 33 of Gomoll does not support corresponding trays or drawers in such a way that the trays or drawers can be pulled out, in contrast to the current application (see paragraph [0017] of the current application).

Claims 22-23, 25-32, 36 and 40-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gomoll in view of Wilson as applied to claims 17-21, 24, 33-35, 37-39 and 42-48, and in further view of U.S. Patent No. 3,669,520 (Jansen).

Applicants submit claims 22-23 are allowable because they include all of the limitations of claim 17, which Applicants believe is in condition for allowance. Jansen fails to cure the deficiencies of Gomoll and Wilson discussed above with respect to claim 17, because Jansen merely mentions that an inner liner may be made by a deep drawing process, and does not describe a step of fabricating an inner lining such that an element to be mounted can be received by a receiving contour without any accessories for mounting, among other deficiencies.

As such, Applicants request the rejection of claim 22-23 be withdrawn.

With respect to claim 25, it has been amended to recite:

A method...comprising...

inserting an element to be mounted into a deep-drawing tool for deep-drawing the plastic inner lining made of plastic material,

fabricating the plastic inner lining by at least partly reproducing the element to be mounted for forming a receiving contour in the plastic inner lining for the element to be mounted, and

foaming a thermal foam insulation...after the inserting.

Applicants submit claim 25 is allowable for at least some of the reasons discussed above with respect to claim 17. Namely, neither Gomoll nor Wilson describes or suggests foaming a thermal foam insulation after inserting an element to be mounted into a deep-drawing tool, in contrast to amended claim 25. By carrying out the foaming process after insertion of the element to be mounted, the inner lining is strengthened and supported and the element to be mounted is fixed (see paragraph [0008] of the current application).

Such an order of method steps is not disclosed in Gomoll or Wilson, nor would it be obvious to modify Gomoll to include foaming after insertion of the element to be mounted because none of the elements of Gomoll or Wilson require support by a receiving contour of an inner lining in order to be retained. Jansen does not cure this deficiency of Gomoll and Wilson because Jansen does not describe a method for providing insulation at all.

Furthermore, Gomoll and Wilson merely describe refrigerators, and do not describe deep-drawing tools, where there is an element to be mounted inserted into the deep-drawing tool. Jansen does not cure this deficiency either because Jansen merely mentions that an inner liner may be made by a deep drawing process, and does not describe fabricating an inner lining by using a deep-drawing tool into which an element to be mounted has been inserted.

For these reasons, Applicants request the rejection of claim 25 and dependent claims 26-32 be withdrawn.

With respect to claim 26, the Office action asserts:

Regarding Claim 26, GOMOLL et al. discloses that the said retaining element (33) (mounting element) supports shelves and receptacles ([0024]-[0025]) (which are pull-out rails).

Applicants disagree. In fact, Gomoll's door shelf 50 is coupled to stationary retaining element 33 by upper and lower lips of the retaining element 33. These upper and lower lips retain the door shelf 50 in such a way that the door shelf 50 could not be pulled out (see Fig. 3 of Gomoll). Thus, the retaining element 33 of Gomoll cannot be used to pull out corresponding supporting trays or pull-out drawers (see paragraph [0017] of the current application).

Turning now to claim 36, Applicants submit claim 36 is allowable because it includes all of the limitations of claim 33, which Applicants believe is in condition for allowance. Jansen does not cure the deficiencies of Gomoll and Wilson because Jansen merely describes a mountable shelf with angled, or turned, legs supported by fillet grooves in the inner liner and does not describe a method including a foaming process carried out after the clipping in of an element to be mounted to an undercut of a receiving contour of an inner liner.

Also, Jansen does not describe carrying out the foaming after insertion of an element to be mounted because Jansen does not describe a method for providing insulation at all.

As such, Applicants request the rejection of claim 36 be withdrawn.

Turning now to claims 40-41, Applicants submit they are allowable because they include all of the limitations of claim 38, which Applicants believe is in condition for allowance. Jansen does not cure the deficiencies of Gomoll and Wilson because Jansen does not describe a foaming of a thermal foam insulation after inserting an element to be mounted into a manufacturing tool. Jansen does not discuss a method for providing insulation at all.

As such, Applicants request the rejection of claim 40-41 be withdrawn.

Conclusion

Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, Applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Please charge any cost incurred in the filing of this response, along with any other costs, to Deposit Account No. 503397.

Respectfully submitted,

ALLEMAN HALL MCCOY RUSSELL &
TUTTLE LLP

/Mark D. Alleman/

Mark D. Alleman
Registration No. 42,257
Customer No. 50488
Attorney/Agent for Applicants/Assignee
806 S.W. Broadway, Suite 600
Portland, Oregon 97205
Telephone: (503) 459-4141
Facsimile: (503) 459-4142